



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Foley & Lardner  
150 East Gilman St.  
PO Box 1497  
Madison, Wisconsin 53701-1497

**COPY MAILED**

**MAY 02 2006**

**OFFICE OF PETITIONS**

In re Application of  
Ambuel et al.  
Application No. 09/848,449  
Patent 7,008,651  
Filed: May 3, 2001  
Attorney Docket No. 039638-0157

:  
:  
: **DECISION DISMISSING LETTER**  
:  
:

This letter is in response to applicants' "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT" filed March 16, 2006, advising the Office of a discrepancy in the PTA determination. The Office thanks applicants for their good faith and candor in bringing any discrepancy to the attention of the Office.

The letter submitted by Applicants is **Dismissed**. The patent term adjustment at the time of the issuance of the patent is confirmed.

Applicants assert that there is a discrepancy in the PTA determination. Applicants do not provide information as to why such determination is incorrect. If applicants point out specifically why they believe such to be inaccurate, the Office could review such alleged inaccuracy.

Upon review of the determination, the PTA determination is accurate. The Office notes that it failed to issue the application within three years of the filing date. The actual delay in issuing the patent was six hundred and seventy-three days (673) under 37 CFR 1.702(b). Applicant delayed on three occasions under 37 CFR 1.704(b) for a period of one hundred and sixty-five (165) days. Accordingly, the correct amount of PTA is five hundred and eight (508) days.

Because this letter was submitted out of good faith and candor, no fee will be assessed concerning this letter.

Any questions related to this decision can be addressed to Kery Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757.

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy